

# 2024 ANNUAL CONFERENCE

Wisconsin Counties Association



8:00 – 9:00 AM

Understanding Roles and Responsibilities in  
County Government

# Understanding Roles and Responsibilities in County Government

2024 WCA Annual Conference  
September 24, 2024

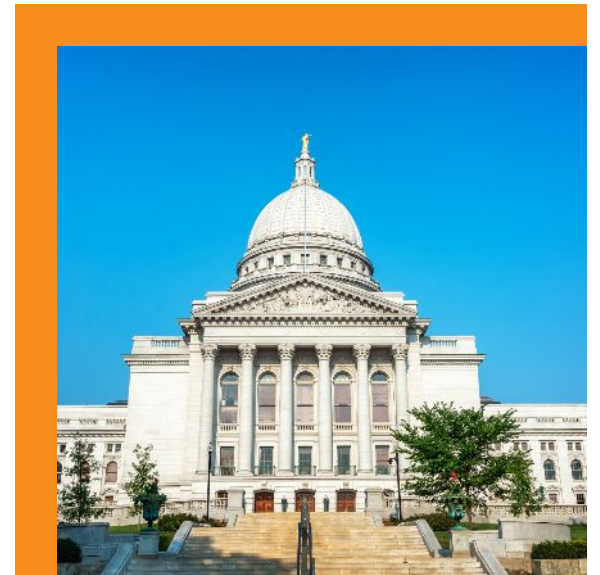
**ATTOLLES**  
LAW, S.C.

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Wisconsin Counties Association



# Roles and Responsibilities

**For County Government**



An aerial photograph of a city, likely Boston, showing a mix of historic and modern buildings, green spaces, and a network of streets. A semi-transparent white box is overlaid in the center, containing the title text.

## The Understandable Struggle with Roles and Responsibilities

- So you think YOU are busy?
- May 10, 1775 – the Second Continental Congress
  - Created various standing committees to handle war-related activities
  - Created small ad hoc committees
    - One was to create the Articles of Confederation
- It was not until the 11<sup>th</sup> Continental Congress that they finally invited Silas Phillips into the conversation to discuss the appropriate roles and responsibilities in colonial and federal government. (Not really...)
- It was clear that colonials and later early Americans LOVED local government – a tradition that continues to this day



An aerial photograph of a city, likely Milwaukee, showing a mix of urban buildings and green spaces. A semi-transparent white box is overlaid in the center, containing the title text.

# History of County Government in Wisconsin

- 1818 – the first three counties are created in what is now Wisconsin in the Michigan Territory (Brown, Crawford, Michilimackinac)
- 1823 – Congress makes the counties judicial districts
- 1829 – a fourth county is created (Iowa)
- 1834 – a fifth county is created (Milwaukee)
- 1836 to 1901 – number of counties grew from 6 to 71
- 1961 – a 72<sup>nd</sup> county is created

An aerial photograph of a city, likely Madison, Wisconsin, showing a mix of urban buildings and green spaces. A semi-transparent white box is overlaid on the center of the image, containing the title text.

# History of County Government in Wisconsin

- The Debate:
  - Supervisor (large board focused on administration) form or Commissioner (smaller board and independent provider of services) form?
- After a series of court decisions, the debate was settled in 1870 and the supervisor form prevailed.
- What does all of this mean and why is it important?



# County Structure

County authority comes from Chapter 59

- Municipal authority comes from the Constitution

Counties are a body corporate that can sue and be sued

- This means they enjoy status separate and distinct from the state or any political subdivision... but?

Powers are limited by state statute

- Administrative Home Rule

Counties are governed by a board of supervisors

- Board size ranges from 7 - 38



An aerial photograph of a city, likely St. Paul, Minnesota, showing a mix of urban buildings and green spaces. A semi-transparent white banner is overlaid across the middle of the image, containing the title 'Administrative Home Rule' in a bold, dark blue font.

# Administrative Home Rule

- Sec. 59.03(1) - Every county may exercise any organizational or administrative power, subject only to the constitution and to any enactment of the legislature which is of statewide concern and which uniformly affects every county.
- Sec. 59.51(1) - The board of each county shall have the authority to exercise any organizational or administrative power, subject only to the constitution and any enactment of the legislature which grants the organizational or administrative power to a county executive or county administrator or to a person supervised by a county executive or county administrator or any enactment which is of statewide concern and which uniformly affects every county. Any organizational or administrative power conferred under this subchapter shall be in addition to all other grants. A county board may exercise any organizational or administrative power under this subchapter without limitation because of enumeration, and these powers shall be broadly and liberally construed and limited only by express language.



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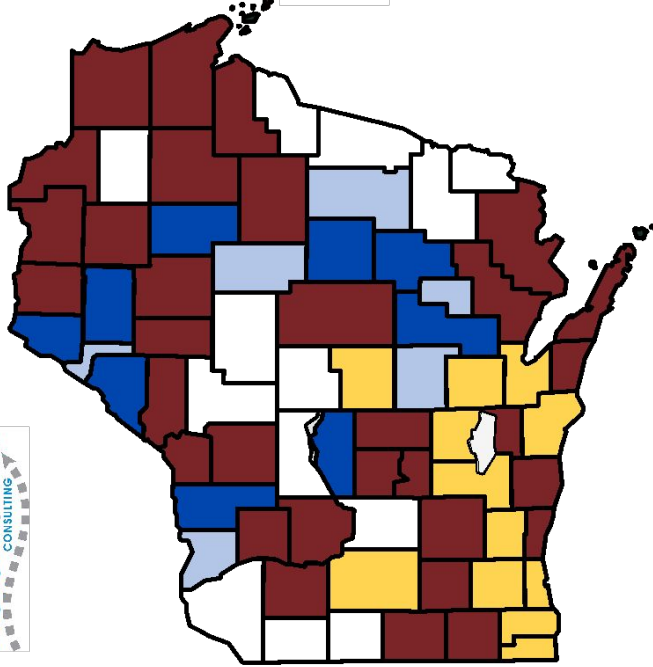
# Forms of County Government

## Three types

- County Executive
- County Administrator
- County Administrative Coordinator

## County Form of Government

Rev. 10-2023



Note: As many counties are currently considering modifications to their structure, this chart may not be entirely accurate but is being used for illustrative purposes.

### Full Time Dedicated Positions: 53 Counties

12 Elected County Executives (CE)

33 Appointed County Administrators (CA)

8 Appointed Administrative Coordinators (AC)

### Dual Role Positions: 19 Counties

8 AC/County Clerks

4 AC/Board Chairs

4 AC/Human Resources

1 AC/Finance Director

1 AC/Human Services

1 AC/Highway Commissioner

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## County Executive Wis. Stat. 59.17

- Position created either by county board or by petition and referendum
- An elected position
  - Accountable to the voters in the county
  - Board does not have the authority to remove
- Appoints and supervises department heads subject to board confirmation
- Appoints members to Boards and Commissions
- Submits an annual budget to the county board
- Has veto authority
  - May veto ordinances and resolutions
  - Has broader veto authority than Governor
  - County board can override veto with 2/3 vote



An aerial photograph of a city, likely Madison, Wisconsin, showing a mix of urban buildings and green spaces. A semi-transparent white banner is overlaid across the middle of the image, containing the title text in blue.

## County Administrator Wis. Stat. 59.18

- An option for counties having a population of 750,000 or less
- Position created by resolution of the board or by petition and referendum
- Appointed by majority vote of the county board

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## **County Administrator Wis. Stat. 59.18**

- Serves as the chief administrative officer of the county
  - Shall take care that every county ordinance and state or federal law is observed, enforced and administered within the county

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## County Administrator Wis. Stat. 59.18

- Duties and powers:
  - Coordinates and directs all administrative and management functions of the county government not vested by law with other officers, boards or commissions
  - Appoints/removes and supervises department heads subject to board confirmation (unless waived)
    - Department head supervises the administration of the department
    - Board performs advisory or policy-making functions authorized by statute



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## County Administrator Wis. Stat. 59.18

- Duties and powers:
  - Appoints members to boards and commissions (board confirmation)
  - May appoint an administrative secretary and additional staff assistants, as necessary
  - Submits annual budget

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## County Administrator Wis. Stat. 59.18

- Qualifications for appointment:
  - Appointed solely on merit
  - Board shall give due regard to training, experience, administrative ability and general qualifications and fitness for performing the duties of the office
- No weight or consideration shall be given by the board to residence, to nationality, or to political or religious affiliations

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## County Administrator Wis. Stat. 59.18

- Removal
  - Board may remove at any time that the county administrator's conduct of the county administration becomes unsatisfactory (action of the board shall be final)
- Vacancy
  - Filled by appointment by majority vote of the board



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## **Administrative Coordinator Wis. Stat. 59.19**

- Board shall designate an elected or appointed official to serve as administrative coordinator if no executive or administrator
- “The administrative coordinator shall be responsible for coordinating all administrative and management functions of the county government not otherwise vested by law in boards or commissions, or in other elected officers.”

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# **Administrative Coordinator Wis. Stat. 59.19**

- What Does This Position Look Like?
  - Depends on the county
    - County clerk, department head, board chair (incompatibility issues), full time position
  - Little statutory direction
  - Duties depend on county
    - Some counties provide administrative coordinator with powers of county administrator

An aerial photograph of a city, likely San Francisco, showing a mix of urban buildings and green spaces. A semi-transparent white banner is overlaid across the middle of the image, containing the title text.

# County Board of Supervisors

- Supervisors serve primarily a legislative function
- The legislative function is largely limited to policy making, law making, budgetary approval and cooperative decision making on matters within their statutory authority (recall the limitations based upon statute)
- No operational control resides with individual supervisors



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# County Board of Supervisors

- Supervisors authority is **collective** versus individual
- So do “supervisors” actually “supervise” anything
  - Remember, policy making (board) v. operations (administration)
- Thank you legislature for creating confusion with the name!

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# Board Roles & Responsibilities

## County Board – Two Roles

- Adopts policy
- Holds staff accountable for implementing policy
  - Through county administration

Role is that of “visionary”

An aerial photograph of a city, likely Chippewa County, showing a mix of urban buildings and green spaces. A semi-transparent white banner is overlaid across the middle of the image, containing the title text.

## Sample County Board Rule

- The role of the County Board is to set the strategic mission and priorities for the County, establish the general policies by which the County is guided in its management of County affairs, consider and act upon resolutions and ordinances, provide financial oversight and build community relationships in support of the mission and priorities. The County Board appoints the County Administrator and monitors the County Administrator's management of the daily operations and implementation of policy.
  - County Board Rules, Chippewa County





## County Board Chair

- Presides over meetings of the county board of supervisors
- Administers oaths
- Countersigns all ordinances
- Commonly acts as spokesperson for the county board
- Provides guidance and direction on moving issues through the board
- Typically appoints committee members subject to board confirmation (Wis. Stat. 59.13)

Wis. Stat. § 59.12

An aerial photograph of a city, likely Philadelphia, showing a mix of urban buildings and green spaces. A semi-transparent white banner is overlaid across the middle of the image, containing the title text.

## Standing Committee Functions

- Policy oversight for departments, offices and other entities
- Monitor performance
- Review and make budget recommendations
- Consider/advance ordinances and resolutions
- In other words, assist in POLICY DEVELOPMENT

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## What is the Committee Involvement?

- Counties are structured so that the committees do much of the preliminary work, and then make recommendations to the full board
- Committees have the knowledge, expertise and a better perspective of what is needed, what is achievable, how much it would cost (or save) to implement the new strategies and goals
- Committees know who in the community their departments and programs serve



An aerial photograph of a city, likely New York City, showing a mix of urban buildings and green spaces. A semi-transparent white banner is overlaid across the middle of the image, containing the title text.

## **Administration (Department Heads & Staff)**

- Implementation of policies and strategies
- Shorter term
- Day to day operations
- Related to smaller functions
- Addresses department or individual issues
- Requires attention to detail
- Requires specialized training

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## Staff Roles & Responsibilities

- Staff/Administration has two roles:
    - Have an obligation to carry out duties in a manner consistent with the policy direction of the board
    - Make recommendations and give professional advice
- (Do not make policy other than internal as authorized)

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# Required Qualifications of County Staff Compared to County Board Supervisors

## Staff

- Education
- Experience
- Background Checked
- Bonded
- Professionally Current
- Professional Associations

## Board

- Elected by people
- Local connection





## Leadership Roles

- Department heads (non-elected) have the leadership role in their departments within the guidelines of the policies and procedures set by the board of supervisors and clarified through directives from the executive, administrator or administrative coordinator.
- Department heads are responsible for ensuring other staff implement policy established by the Board

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# How Our Courts View the Distinction Between Policy and Administration

- The county boards function is primarily policy making and legislative, while the county executive functions as an administrator and manager. See, e.g., 80 Op. Atty Gen. 49 (1991). Policy has been defined as “a high-level overall plan embracing the general goals and acceptable procedures esp. of a governmental body.” *Webster's New Collegiate Dictionary* 890 (1977). “Legislative power, as distinguished from executive power, is the authority to make laws, but not to enforce them, or appoint the agents charged with the duty of such enforcement.” See 2A MCQUILLIN, MUNICIPAL CORPORATIONS § 10.06 at 311 (3d ed. 1996). “The crucial test for determining what is legislative and what is administrative has been said to be whether the ordinance is one making a new law, or one executing a law already in existence.” *Id.*
- *Schuetz v. Van De Hey*, 205 Wis.2d 475 (Ct. App. 1996).



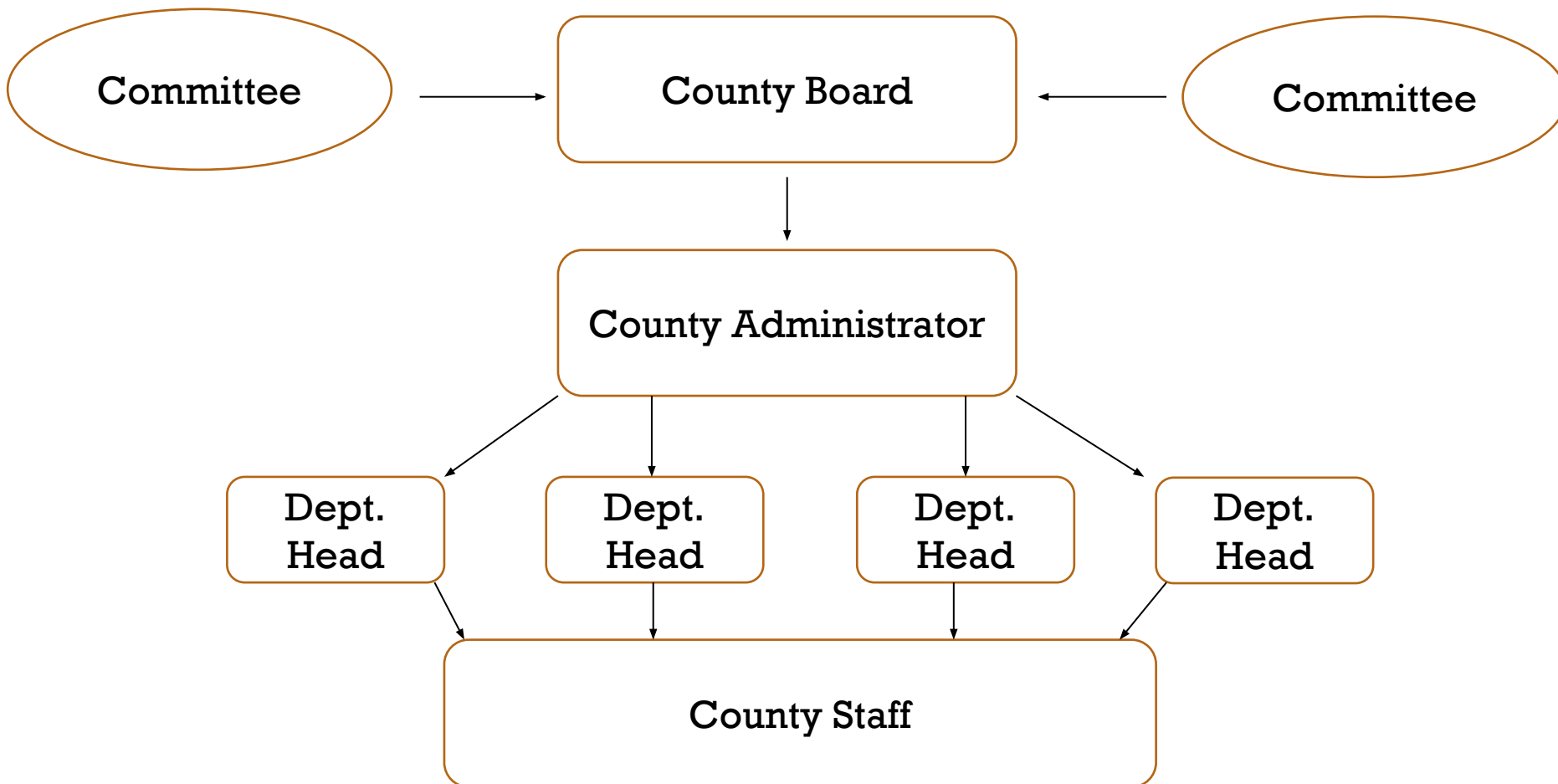
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# What Happens Without Distinction Between Policy and Administration?

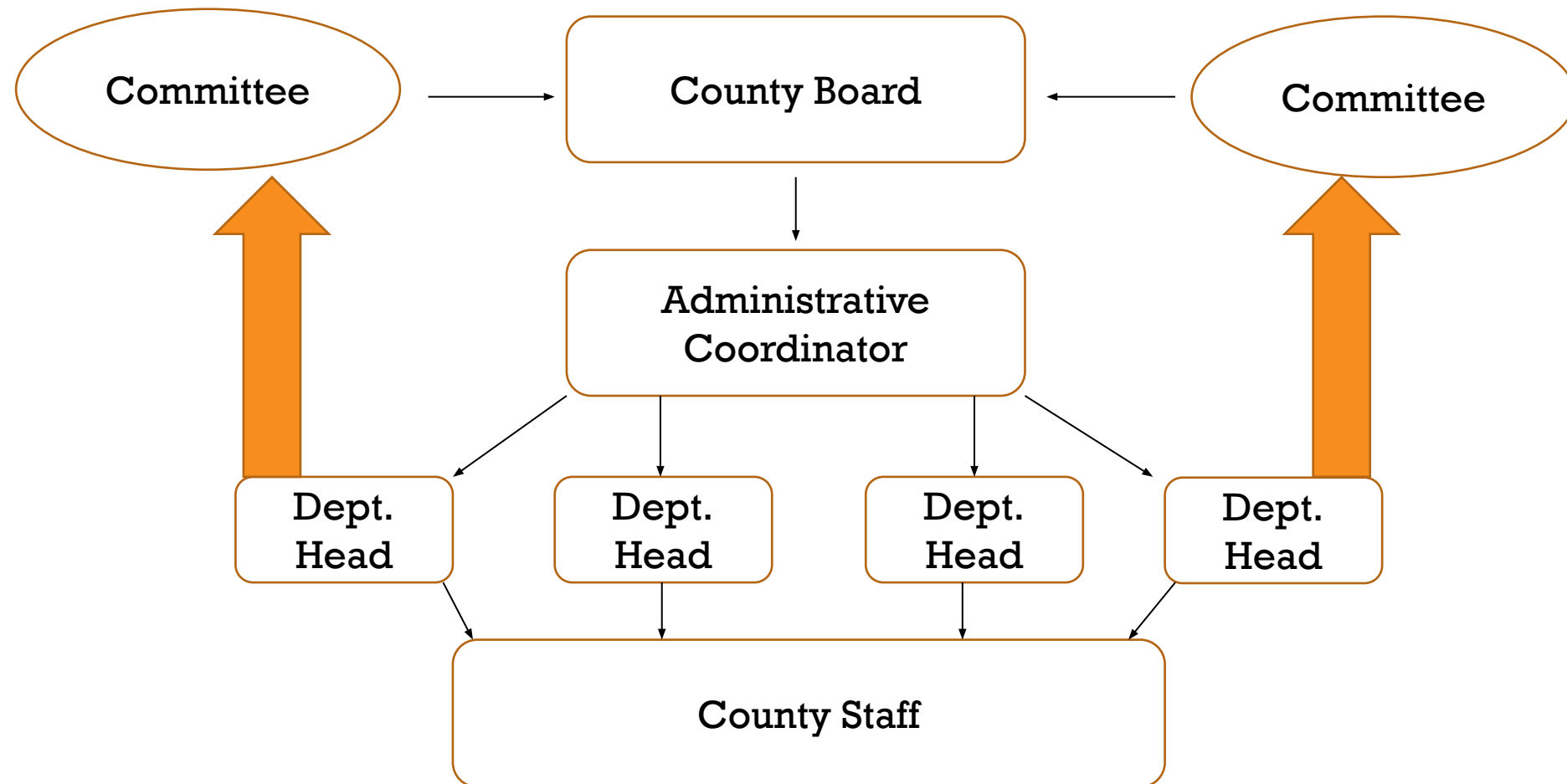
- Time spent on the trivial
- Reading reams of documents
- Long-running meetings that accomplish little
- Committees that are window dressing for what staff want to do
- Meddling in administration
- Staff in control of board/committee agendas
- **Reactivity vs. proactivity**
- Executive/Administrative Committee serving as the de facto Board
- Confusion about what is going on
- Rubber stamping or meddling
- No incisive way to evaluate the Executive/Administrator/Administrative Coordinator




# Wisconsin County Organizational Chart (Administrator)



# Wisconsin County Organizational Chart (Administrative Coordinator)





# Where Do Constitutional Officers Fall on the Org Chart?

Clerk of  
Courts

Sheriff

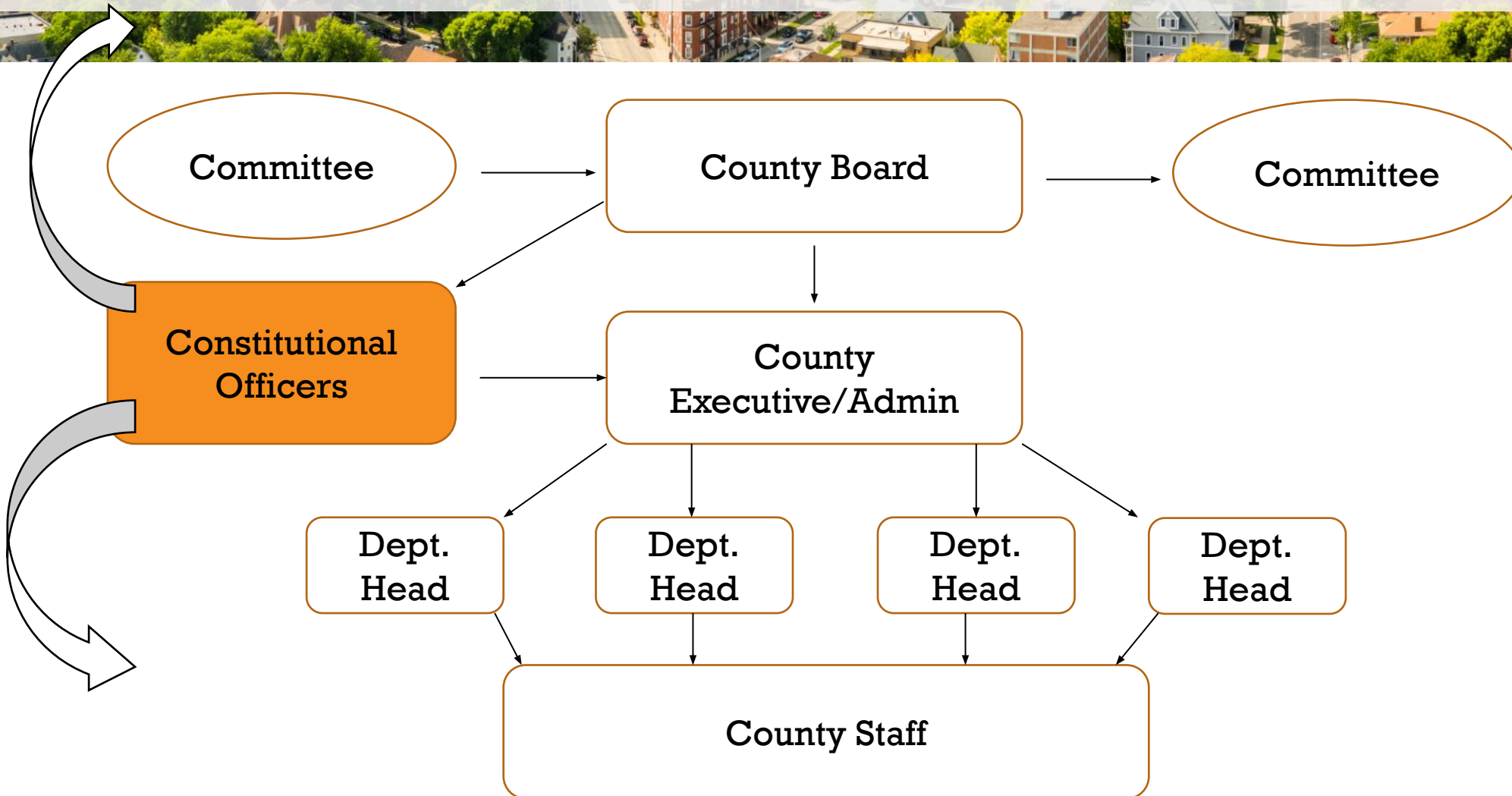
Treasurer

Register of  
Deeds

Clerk



# The Constitutional Officer “Dual Persona”



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## Working Together as a Goal

### Between Board Members and the Administrative Team

- Know your job and try not to interfere with that of the board/administration.
- Devote the time needed to do a good job.
  - Board should read the background materials the administration prepares.
  - Staff should ensure the Board has the information necessary to make an informed policy decision.
- Admit what you don't know.
- Do not jump to conclusions; instead, hear and weigh all the facts.



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## Working Together as a Goal

Between Board Members and the Administrative Team (cont.)

- Don't make promises outside board meetings, not only for legal reasons, but also out of respect for the ethics of the situation and regard for the other board members, the administration and employees.
- Listen to what your constitutional officers and employees have to offer and let them know you are listening.



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## Working Together as a Goal

Between Board Members and the Administrative Team (cont.)

- If someone complains to you about a member of the administration, listen but do not agree. Being supportive of the administration shows that you have confidence in yourself and in the county management team. If the complaint is serious, ask the person to put it in writing and ask the board as a whole to analyze it in light of the appropriate committee structure.
  - Know your county's complaint process!

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## Working Together as a Goal

- Staff has an obligation to remain “politically neutral” – they should never take a position based on politics
- Supervisors should not assume staff are “taking a side” if the answer they receive on a professional question is not what they hoped for



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## Key Points to Remember

- Counties are a creature of the State. Counties can only do what the Statutes and Constitution allow
- County Boards are to serve as a legislative body which sets policy, approves annual budgets and makes cooperative decisions.
- County Boards work most effectively when utilizing a strong committee system.
- County committees do much of the preliminary work prior to making recommendations to the full board. They monitor performance, review and develop budget recommendations, and draft ordinances and resolutions.



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## Key Points to Remember

- Individual county supervisors have no management or leadership role outside of county committees or commissions.
- County administration and department heads are to implement the policies and procedures of the Board.
- Micromanaging stifles productivity of county operations.
- The board and administrative team working cohesively and cooperatively provides the best chance of success in meeting the needs of county residents.



# THANK YOU!

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